



ISLAND COUNTY SHORELINE MASTER PROGRAM UPDATE

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TODAY'S MEETING

Presentation to the Island County Planning Commission of the Public Comment Matrix and Adopted Changes

- Staff has gathered all public comments and incorporated them into a matrix
- Matrix is organized into comments made during the public comment period, and outside of the public comment period
- All comments have been read and evaluated
- The following are comments that triggered changes to the draft, or topics that require further discussion

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Recommendation that the definition of new stabilization be moved out of 17.05A.110.A.4.a and put into to the Definition section.

Action Taken

- New definition added for "Structural shoreline stabilization, new" to section 070, and removed from 110.A.4.
- **Structural shoreline stabilization, new** shall be defined as the establishment of shoreline stabilization where legally existing stabilization is not present.

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Edits suggested to ICC 17.05A.110.C.11 to reference Island County's noxious weed list, and to allow for an easier process for weed removal.

Action Taken

- Reference to Island County's local noxious weed list added. ICC section reference corrected. No change to processes for weed removal proposed. Even weeds provide some habitat, stabilization, and storm water mitigation value. Keeping weeds in place is preferred to removing and not replanting. Motorized equipment can disturb shoreline ecological and geocoastal processes, review of proposals for utilizing such equipment is required.
- 11. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the [Island County or Washington](#) state noxious weed list is permitted in shoreline locations if provision is made for re-establishment of native vegetation in the disturbed area [consistent with 17.05.090.H](#). Ground based motorized equipment may be used if accompanied by a plan for the re-establishment of native vegetation, and with prior written approval of the Shoreline Administrator.

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Concern about language in 17.05A.090.H.8 restricting residential development in the floodplain

Action Taken

- New definition added to ICC 17.05A.070 for flood control works, to clarify that these do not include homes build to FEMA floodplain standards. "**Flood control works** means structural techniques for area-wide flood control, including but not limited to rock berms, rock rip-raps, sandbags, application of soil cements to slopes, drainage channels, levees, dikes, dams, and retention or detention basins. Common flood adaptation methods required for single-family residences, including raising structures above base flood elevation, are not considered flood control works."

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Concern about language in 17.05A.090.E.1.d.vi, 17.05A.090.E.1.e.i.2, and 17.05A.090.E.1.iii.2 requiring the consolidation of lots under common ownership before allowing expansion of an existing structure in the setback.

Action Taken

- Provision removed. Holds owners of multiple adjacent properties to a different standard.

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Edits suggested to ICC 17.05A.110.A.3.e.ii to add the word, "adverse".

Action Taken

- Term "adverse" added to ICC 17.05A.110.A.3.e.ii.
- (ii) Demonstrate a significant possibility that the primary structure or appurtenance will be damaged within three (3) years based on a trend analysis of prior rates of erosion as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid adverse impacts on ecological functions

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Edits suggested to ICC 17.05A.110.A.8.I.

Action Taken

- Term, "as feasible" added and provision limiting extension onto adjacent properties removed.
- I. When a new or replaced hard structural shoreline stabilization measure is proposed on a site where legally established hard structural shoreline stabilization measures exist on adjacent properties, the proposed stabilization must tie in flush with those stabilization measures [as feasible](#). The new stabilization measure shall not extend waterward of the OHWM, except in those locations where the structure connects to the adjoining stabilization measure. The length of the hard structural shoreline stabilization transition area to adjacent properties shall be the shortest distance possible ~~and shall not extend onto adjacent property.~~

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Concerns about 17.05A.110.A.4.a. prohibiting structural stabilization on lakes.

Action Taken

- Lakes do not have the same kind of wave action and erosion risk as marine shorelines. The lake shore is not as dynamic. Replacement and repair of existing stabilization could be allowed in some instances but new stabilization would not. Would like to discuss this further.
- a. New structural shoreline stabilization shall be prohibited in or adjacent to lakes.

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Edits suggested to 17.05A.110.A.3.a broadening stabilization use for restoration, preservation, and enhancement of ecological functions.

Action Taken

- Phrase, "a material purpose of which includes" added to 17.05A.110.A.3.a.
3. Demonstration of Need. When required, a demonstration of need shall address the following items.
- a. Whether the shoreline stabilization is necessary to support a project [a material purpose of which includes](#) enhancing or restoring ecological functions.

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Concern that 17.05A.130.K omits language from the RCW.

Action Taken

- The following language was added to the moratorium procedures in 17.05A.130.K: "Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium."

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- PSE asked for clarification of ICC 17.05A.080 Table 1. Noted that replacement includes normal maintenance and repair, and that there is a contradiction between ICC 17.05A.070 and 17.05A.130.

Action Taken

- Footnote 20 added to Table 1 in 17.05A.080, "[Proposals which meet the definition of repair per ICC 17.05A.070 only](#)". Footnote 20 added to a P for permitted for above and below ground transmission facilities in environments where currently listed as a conditional use. Definition of repair changed to match 17.05A.130.E.2.d.ii

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Suggested adding definition of “accessory structure” because term is found in the code.

Action Taken

- Definition of “accessory use or building” added from the zoning code ICC 17.03.040.
- **Accessory use or building** means a use, structure or building customarily considered to be incidental to or secondary to a permitted use or an approved conditional use on the property or on adjacent properties under the same ownership. Examples of accessory buildings or structures include, but are not limited to, sheds, shops, garages, greenhouses, barns, guest cottage, etc

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Edits to definition of boat suggested, to include paddled vessels

Action Taken

- Term, "paddles" added to definition of boat in 17.05A.070.
- **Boat** means vessels less than twenty tons which are designed and used as a private pleasure craft for navigation and travel on water, are propelled by [paddles](#), oars, sails, or one or more internal combustion engine(s), and do not interfere with the normal public use of the water.

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Add definition of “stormwater”.

Action Taken

- Definition of “stormwater” added from the APA Dictionary.
- [Stormwater means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.](#)

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Comment pointing out that NAS Whidbey is exempted from SMP oversight.

Action Taken

- Language changed per Ecology guidance.
- **17.05A.050 - Applicability.**

B. This Shoreline Master Program applies to all "development" as defined by this chapter and RCW 90.58, whether or not a shoreline permit or statement of permit exemption is required. All proposed uses, activities, and development occurring within shoreline jurisdiction shall comply with this Shoreline Master Program and RCW 90.58.

[1. Requirements to obtain a shoreline substantial development permit, shoreline conditional use permit, shoreline variance, shoreline exemption, or other shoreline review to implement the Shoreline Management Act do not apply to lands under exclusive federal jurisdiction.](#)

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Question about the definition of "dredging", and whether an activity needs to be for the purposes of navigation or obtaining fill to be considered "dredging", or if cleaning culverts, outfalls, etc. fit.

Action Taken

- Added clarification to “dredging” definition.

Dredging means the removal of earth, sand, gravel, silt, or debris from the bottom of a stream, river, lake, bay, or other water body for the purpose of deepening a navigational channel, or to obtain use of the bottom materials for fill. Dredging includes any harvesting of natural resources by any mechanical or hydraulic means which involves substrate displacement or disturbance. [Dredging does not include removal of obstructions or sediment as part of regular maintenance and repair of infrastructure.](#)

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Comment suggesting that the definition for "outfall" be added, as Public Works does outfall work on a regular basis.

Action Taken

- Added definition for "outfall".
- **Outfall** means the point where water flows out from a conduit, drain, or stream

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Comment suggesting that the definition of "public infrastructure" be added.

Action Taken

- Added definition of "infrastructure".
- **Infrastructure** means facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Suggestion to add a section for transportation and stormwater to 17.05A.080, Table 1. Outfalls, culverts, road maintenance, etc

Action Taken

- Would like to discuss this further.

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- Comment asking about Biological Site Assessment requirement waivers in 17.05A.090.C.14.d, and adding normal repair and maintenance of transportation and stormwater facilities, parks, and boat ramps.

Action Taken

- Added the normal repair and maintenance of public infrastructure.
- [d. The requirement for a Biological Site Assessment for development within the shoreline buffer may be waived by the Planning Director in the following circumstances.](#)
- [\(vi\) the normal repair and maintenance of public infrastructure](#)

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- DNR comment suggesting amending definition of "buoy" in 17.05A.070.

Action Taken

- Buoy definition changed as recommended.

Buoy means ~~a float attached by rope to the seabed to mark channels in a harbor or underwater hazards, or to be used to moor a boat in a harbor or channel.~~ an anchoring system for mooring vessels or navigational aids. Mooring buoys typically include an anchor, anchor line and a white, cylindrical float to mark its location. Navigational aids have an anchor, anchor line and different types of surface floats to mark navigation channels or underwater hazards.

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- DNR comment stating that Shoreline Use Classification Table 1 be amended because while buoys are permitted in the Aquatic SED, per the SMP Handbook they are also subject to regulation under the adjoining upland SED

Action Taken

- For discussion

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- 17.05A.090.C.13 – DNR comment stating that mooring buoys should receive an SMP review to determine whether they are within 10 feet of eelgrass or kelp beds.

Action Taken

- For discussion

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- DNR Comment concerning 17.05A.100.D.4, stating that while buoys are often exempt from substantial development permits in many jurisdictions, that doesn't mean they are exempt from a shoreline management review.

Action Taken

- For discussion

KEY CHANGES AND ITEMS FOR DISCUSSION

Comment

- DNR suggestion that Island County should require a Shoreline Exemption Permit for mooring buoys

Action Taken

- For discussion

CONCLUSION

Public Comment Period

- The official Public Comment Period ended on April 25th, but staff will continue to receive comments and evaluate them against the draft code.

Public Hearing

- Staff missed the publication deadline for the hearing on the 10th and are requesting a special session of the Planning Commission for a public hearing on the 17th



THANK YOU!

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